

REMARKS

Claim 3 is pending in the application.

Claim 3 was amended to read "an immunogenic composition" comprising antigenic fragments described in the application to comply with 35 U.S.C. 112, first paragraph. It can now be read that the immunogenic potential of antigenic fragments is directed against fragments and proteins described in the application, namely P34 protein encoded by SEQ ID NO: 3 and fragments having amino-acid sequences consisting of SEQ ID NO: 4 and SEQ ID NO: 5, in place of proteins being members of the short chain dehydrogenase-reductase family.

As amended, claim 3 now discloses an immunogenic composition rather than an immunocontraceptive vaccine for a male or a female. The notion of immunocontraception and vaccine were deleted from claim 3.

It is well recognized in the art that the fact that a claim discloses a nucleic acid sequence, normally implies that a protein can be encoded therefrom by using different recombinant approaches available in the art. Therefore, the use of this protein without providing a detailed description of its amino acid sequence, can be inferred to or deduced from said nucleic acid sequence. Such situation has been admitted and allowed in US Patent 5,989,549 cited in a previous Office Action issued in the original application of which the present one is a continuation. Hence, the fact that a protein, namely P34, is encoded by the nucleic acid sequence of SEQ ID NO: 3 described in the present application, implies that recombinant techniques or methods, for its production can be relatively easy to perform for someone skilled in the art, allowing therefore to obtain it under its protein forms. In this context, a composition comprising a protein encoded by disclosed nucleic acid sequence SEQ ID NO: 3, is not believed to constitute new matter, as it is the case in US Patent No. 5,989,549. Hence, no new matter has been added in the currently amended claim 3.

In order to comply with 35 U.S.C. 112, second paragraph, claim 3 has been amended by deleting the expression "in association with" and replaced by the word "and".

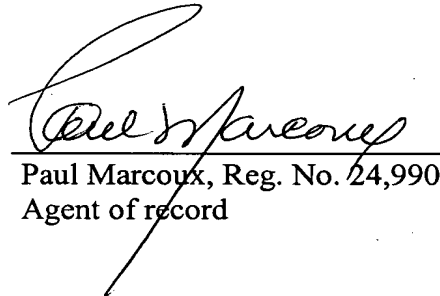
It is submitted, therefore, that the claim is in condition for allowance. Reconsideration is respectfully requested. Allowance of claim 3 at an early date is solicited.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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By:



Paul Marcoux, Reg. No. 24,990
Agent of record

OGILVY RENAULT
Customer Number 020988
1981 McGill College, Suite 1600
Montréal (Québec) Canada, H3A 2Y3

Tel: (418) 640-5988